

## PATENT COOPERATION TREATY

**PCT**

REC'D 02 MAY 2006

WIPO

PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2003UR038	<b>FOR FURTHER ACTION</b>		See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/US04/24947	International filing date (day/month/year) 30 July 2004 (30.07.2004)	Priority date (day/month/year) 03 November 2003 (03.11.2003)	
International Patent Classification (IPC) or national classification and IPC IPC: E21B 43/24(2006.01) USPC: 166/270,272.2,371			
Applicant <b>EXXONMOBIL UPSTREAM RESEARCH COMPANY</b>			

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 7 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of \_\_\_ sheets.

3. This report contains indications relating to the following items:

- I  Basis of the report
- II  Priority
- III  Non-establishment of report with regard to novelty, inventive step and industrial applicability
- IV  Lack of unity of invention
- V  Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI  Certain documents cited
- VII  Certain defects in the international application
- VIII  Certain observations on the international application

Date of submission of the demand 23 August 2005 (23.08.2005)	Date of completion of this report 07 March 2006 (07.03.2006)
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/ US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Authorized officer <i>Zakiya W. Bates</i> Zakiya W. Bates Telephone No. (571) 272-5150

Form PCT/IPEA/409 (cover sheet)(July 1998)

**I. Basis of the report****1. With regard to the elements of the international application:\***

the international application as originally filed.  
 the description:

pages 1-15 \_\_\_\_\_ as originally filed  
 pages NONE \_\_\_\_\_, filed with the demand  
 pages NONE \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

the claims:  
 pages 16-18 \_\_\_\_\_, as originally filed  
 pages NONE \_\_\_\_\_, as amended (together with any statement) under Article 19  
 pages NONE \_\_\_\_\_, filed with the demand  
 pages NONE \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

the drawings:  
 pages 1-7 \_\_\_\_\_, as originally filed  
 pages NONE \_\_\_\_\_, filed with the demand  
 pages NONE \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

the sequence listing part of the description:  
 pages NONE \_\_\_\_\_, as originally filed  
 pages NONE \_\_\_\_\_, filed with the demand  
 pages NONE \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

**2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.**

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).  
 the language of publication of the international application (under Rule 48.3(b)).  
 the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

**3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:**

contained in the international application in printed form.  
 filed together with the international application in computer readable form.  
 furnished subsequently to this Authority in written form.  
 furnished subsequently to this Authority in computer readable form.  
 The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  
 The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

**4.  The amendments have resulted in the cancellation of:**

the description, pages NONE  
 the claims, Nos. NONE  
 the drawings, sheets/fig NONE

**5.  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\***

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. STATEMENT**

Novelty (N)	Claims <u>4, 10, 13-16, 21, 26</u>	YES
	Claims <u>1-3, 5-9, 11, 12, 17-20, 22-25</u>	NO
Inventive Step (IS)	Claims <u>4, 10, 13-16, 21, 26</u>	YES
	Claims <u>1-3, 5-9, 11, 12, 17-20, 22-25</u>	NO
Industrial Applicability (IA)	Claims <u>1-26</u>	YES
	Claims <u>NONE</u>	NO

**2. CITATIONS AND EXPLANATIONS**

Claims 1-3, 5-9, 11, 12, 17-20, and 22-25 lack novelty under PCT Article 33(2) as being anticipated by Butler.

Butler discloses a method that includes an in situ method for maturing and producing oil and gas comprising: a) pressure fracturing a region of a hydrocarbon formation, creating fractures; b) injecting under pressure a heated fluid into a first part of each fracture, and recovering the injected fluid from a second part of each fracture; c) recovering oil and gas commingled with the injected fluid; and d) separating the produced oil and gas from the injection fluid. With respect to depending claims 2, 3, 5-9, 11, 12, 17-20, and 22-25, the reference teaches the limitations as claimed, including oil shale formation, substantially parallel fractures, at least one well for creating fractures, vertical and horizontal wells, a plurality of completions in each fracture, water injection fluid, steam injection fluid, and maintaining fluid pressures.

Claims 4, 10, 13-16, 21, and 26 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest: at least eight substantially parallel fractures being propped to have a permeability of at least 200 Darcy; return completions periodically reversed; injection of fluid at 30,000 kJ/m<sup>3</sup> volumetric thermal density calculated by difference between mass enthalpy and multiplying by mass density; or degradation or choking inhibitor as called for in the claims.

Claims 1-26 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

----- NEW CITATIONS -----